

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

CHIRAN J. KANTIPULY

Plaintiff,

v.

ORDER  
12-CV-932

UNITED STATES, et al.

Defendants.

---

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. §636(b)(1)(B). Defendants filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(5), and 12(b)(6). (Dkt. No. 6) Plaintiff, who is appearing *pro se*, filed a motion for issuance of summons. (Dkt. No 13) On January 31, 2014, Magistrate Judge Schroeder issued a Report and Recommendation recommending that defendants' motion to dismiss be granted, and plaintiff's motion for issuance of summons be denied. (Dkt. No. 16)

Plaintiff filed objections to the Report and Recommendation on May 2, 2014. (Dkt. No. 18) Defendants filed a response on October 22, 2014 (Dkt. No. 21), and the Court deemed the matter submitted without oral argument.

Pursuant to 28 U.S.C. §636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which

objections have been made. Upon *de novo* review, and after reviewing the submissions of the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendants' motion to dismiss is granted, and plaintiff's motion for issuance of summons is denied.

The Clerk of the Court is instructed to close the case.

SO ORDERED.

*Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: December 16, 2014